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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

STANFORD HOSPITAL & CLINICS and LUCILE PACKARD CHILDREN'S HOSPITAL Petitioners, v. **SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 715** Respondent.	Case No: C-07-5158-MMC **STIPULATED MOTION FOR RELIEF FROM CASE MANAGEMENT SCHEDULE** **[CIV.L.R. 16-2(D) AND 7-11]** **Judge: Hon. Maxine M. Chesney**

NOTICE OF MOTION AND MOTION

Petitioners Stanford Hospital & Clinics and Lucile Packard Children's Hospital (the

"Hospitals") and Respondent Service Employees International Union, Local 715 (the "Union")

hereby move on a stipulated basis pursuant to Local Civil Rules 16-2(d) and 7-11 and the

"Standing Orders For Civil Cases Assigned To The Honorable Maxine M. Chesney" (the

"Standing Orders") for an order granting relief from the Court's October 9, 2007 Order Setting

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1 Initial Case Management Conference And ADR Deadlines (the "CMC Order"). The Parties

2 stipulate, and respectfully request, that the CMC Order be modified, and specifically, that the

3 Initial Case Management Conference, currently set for January 18, 2008, be postponed to June 6,

4 2008.

POINTS AND AUTHORITIES

6 Civil Local Rule 16-10(a) provides that the Court shall hold an initial Case Management

7 Conference no later than the date specified in the Order Setting Initial Case Management

8 Conference. However, that rule also gives the Court discretion to modify the date of the Initial

9 Case Management Conference. Additionally, Civil Local Rule 16-2(d) authorizes the Court to

10 grant relief from the Order Setting Initial Case Management Conference, upon the filing of a

11 motion with the assigned judge. Such motion must describe the circumstances which support the

12 request, affirm that counsel for the moving party has conferred with all other counsel in an effort

13 to reach agreement on the matter, and indicate whether counsel for each party supports or

14 opposes the request for relief. Additionally, the Standing Orders require that changes to the

15 Court's schedule be requested by stipulation, if possible, and be supported by a showing of good

16 cause.

17 The Parties respectfully request that the Court postpone the date of the Initial Case

18 Management Conference, which is currently scheduled to take place on January 18, 2008.[1] Civil

19 Local Rules 16-3 and 16-10(a) state that lead trial counsel for each party is required to attend the

20 Initial Case Management Conference. The Hospitals' lead trial counsel, Laurence R. Arnold, has

21 a long-standing commitment to be out of the country between January 17, 2008 and February 8,

22 2008, and for that reason, it will be impossible for Mr. Arnold to attend the Initial Case

23 Management Conference on the currently-scheduled date. Mr. Arnold is also required to appear

24 for jury duty on the week beginning February 18, 2008. Therefore, the Parties request that the

25 Initial Case Management Conference be postponed to a date after February 22, 2008.

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27 [1] The Parties affirm that they have conferred over this matter as required by Civil Local Rule 16-2(d).

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STIPULATED MOTION FOR RELIEF FROM CASE MANAGEMENT SCHEDULE
CASE NO. C-07-5158-MMC

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1   Additionally, postponing the Initial Case Management Conference beyond February,

2 2008 would be in the interest of judicial efficiency. In a conference held pursuant to Federal

3 Rule of Civil Procedure 26(f), the Parties agreed that this case is likely to be resolved through the

4 filing of a dispositive motion, and there likely will be no need for formal discovery or a trial in

5 this case. Indeed, as it is anticipated that the motion will terminate this litigation, it will likely

6 eliminate any need for the Court to hold the Initial Case Management Conference and issue a

7 Case Management Order.

8   Therefore, based on the foregoing, the Parties respectfully request that the Court order

9 that the Initial Case Management Conference be held on Friday, June 6, 2008, which will allow

10 the Parties to resolve the case through a dispositive motion, or, in the alternative, on a date after

11 February 22, 2008, which will allow Mr. Arnold to participate in the Initial Case Management

12 Conference.

13   In the alternative, should the Court decide not to postpone the date of the initial case

14 management conference, the Parties request that the Court permit the Hospitals to appear at the

15 case management conference through alternate counsel, who will be familiar with the case and

16 authorized to enter into agreements and stipulations on behalf of the Hospitals. The Court is

17 authorized to excuse the requirement that lead trial counsel appear at the Initial Case

18 Management Conference under Civil Local Rules 16-3 and 16-10(a).

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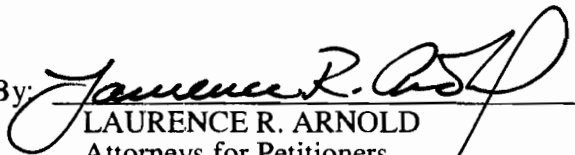
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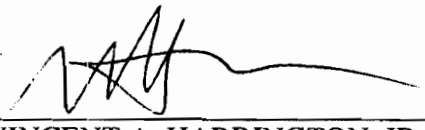
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2   Dated: December **27**, 2007   FOLEY & LARDNER LLP
                                                    LAURENCE R. ARNOLD
3   SCOTT P. INCIARDI

4

5   By: _____
                                                        LAURENCE R. ARNOLD
6   Attorneys for Petitioners
                                                        Stanford Hospital & Clinics and Lucile
7   Packard Children's Hospital

8

9   Dated: December **27**, 2007   WEINBERG, ROGER & ROSENFELD
                                                    VINCENT A. HARRINGTON, JR.
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11

12   By: _____
                                                        VINCENT A. HARRINGTON, JR.
13   Attorneys for Respondent
                                                        Service Employees International Union,
14   Local 715

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